

JAP7 Rec'd PCT/PTO 11 MAY 2006

PTO-1390

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY DOCKET NUMBER

8417.87869

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

80/579019  
Be Assigned

INTERNATIONAL APPLICATION NO.  
PCT/EP2004/012875

INTERNATIONAL FILING DATE  
November 12, 2004

PRIORITY DATE CLAIMED  
November 12, 2003

TITLE OF INVENTION

Use of Additionally Fermented Distillers Grains for Preventing and/or Treating Increased Blood Sugar Values

APPLICANT(S) FOR DO/EO/US  
ZIRZOW et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. Please do not delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a.  is attached hereto, (specification (23 pgs.), 31 claims (5 pgs.), abstract (1pg.)).
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(e)(4)). (Unexecuted)
10.  An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11. to 20. below concern document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18.  A second copy of the published international application under 35 U.S.C. 154(d)(4).
19.  A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20.  Other items or information: German language PCT

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

"Express Mail" Mailing Label Number EV 713736053 US

Date of Deposit May 11, 2008

I hereby certify that this paper or fee is being deposited with sufficient postage utilizing the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 51.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ROGER V. SEWELL

(Typed or printed name of person mailing)

Roger V. Sewell

(Signature of person mailing)

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) To Be Assigned <b>10/579019</b>	INTERNATIONAL APPLICATION NO. PCT/EP2004/012875	ATTORNEY DOCKET NUMBER 8417.87869			
The following fees are submitted:					
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) . . . . . \$300.00 22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the Written Opinion prepared by ISA/US or the International Preliminary Examination Report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) . . . . . \$ 0.00 All other situations . . . . . \$200.00					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the Written Opinion of the ISA/US or the International Preliminary Examination Report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) . . . . . \$ 0.00 Search fee (37 CFR 1.445(a)(2) has been paid on the international application to the USPTO as an International Searching Authority . . . . . \$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB . . . . . \$400.00 All other situations . . . . . \$500.00					
<b>TOTAL OF 21, 22 and 23 =</b> \$ 900.00					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to whole number)		RATE	
29 - 100 = 0 / 50 =	0.00	0	x	\$250.00	\$ 0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).			\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA		RATE	
Total claims	31	- 20 = 11	x	\$50.00	\$ 550.00
Independent Claims	1	- 3 = 0	x	\$200.00	\$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			\$360.00		
<b>TOTAL OF ABOVE CALCULATIONS =</b>			\$ 1,450.00		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by half.			\$ 725.00		
			<b>SUBTOTAL =</b> \$ 1,450.00		
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).			\$		
			<b>TOTAL NATIONAL FEE =</b> \$ 1,450.00		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.			\$		
			<b>TOTAL FEES ENCLOSED =</b> \$ 1,450.00		
			<i>Amount to be refunded:</i>	\$	
			<i>Amount to be charged:</i>	\$	
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 06-1135 in the amount of \$ <u>1,450.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1135. A duplicate copy of this sheet is enclosed.					
<b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>					
SEND ALL CORRESPONDENCE TO:					
FITCH, EVEN, TABIN & FLANNERY 120 South LaSalle Street, Suite 1600 Chicago, IL 60603-3406 U.S.A. Telephone: (312) 577-7000 Facsimile: (312) 577-7007					
SIGNATURE:  John J. Gresens NAME: _____					
33,112 REGISTRATION NUMBER: _____					